UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25409
13 March 1993

ORIGINAL: ENGLISH

LETTER DATED 12 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF VIET NAM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit to you herewith a statement made on 11 March 1993 by the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam, strongly denouncing the most barbarous acts of massacre committed by Democratic Kampuchea forces against Vietnamese residents in Cambodia, and request you to kindly circulate the statement as a document of the Security Council.

(Signed) TRINH XUAN LANG
Permanent Representative

Annex

Statement dated 11 March 1993 from the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam

According to the latest news, on 10 March 1993 a force of the "Democratic Kampuchea" attacked the fishing village of Chong Kneas, 10 kilometres south of Siem Riep of Cambodia, killing 33 Vietnamese of whom 8 were children, and wounding 29 others of whom 26 were Vietnamese and 3 Cambodians. On the morning of 11 March, a spokesman for the United Nations Transitional Authority in Cambodia (UNTAC) confirmed the above-mentioned incident.

Following a series of barbarous acts of terrorism against Vietnamese residents in Cambodia in recent times, this is the largest massacre of Vietnamese residents in Cambodia conducted by the "Democratic Kampuchea" faction since the signing of the Paris Agreements on a Comprehensive Political Settlement of the Cambodia conflict. This massacre is a new and extremely blatant challenge to mankind's conscience, crudely encroaching upon international documents on human rights, and inciting national hatred between Cambodia and Viet Nam. This is also a blatant violation of the Paris Agreements on Cambodia and its appendices.

The savage massacre of Vietnamese residents by the "Democratic Kampuchea" in Siem Riep on 10 March is a very dangerous escalations step in a series of their acts of undermining the peace process and stability in Cambodia. If resolute measures are not taken there will be a danger of recurrence of massacre in Cambodia, the consequences of which are unforeseeable.

The Government of the Socialist Republic of Viet Nam strongly condemns the new, bloody act of the "Democratic Kampuchea", and demands that it put an immediate end to such acts. The Government of the Socialist Republic of Viet Nam earnestly urges the justice-loving public opinion the world over to resolutely condemn this savage act and to raise their voice to protect the human rights of the Vietnamese residents in Cambodia.

The Government of the Socialist Republic of Viet Nam demands that the United Nations, the co-chairmen of and the parties to the Paris Agreements on Cambodia, the Supreme National Council and particularly the UNTAC in their power and functions as stipulated by the Paris Agreements take urgent measures to immediately stop the savage massacre of Vietnamese residents and defend their peaceful life in accordance with the spirit of the Paris Agreements as well as international documents on human rights, including the right to personal safety stated in the Convention on the Elimination of All Forms of Racial Discrimination and the right of minority communities.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25410
13 March 1993
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 11 MARCH 1993 FROM THE PERMANENT MISSION OF BURKINA FASO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Secretary-General and, pursuant to his note of 26 October 1992, has the honour to inform him that, in keeping with paragraph 4 of Security Council resolution 778 (1992), there are no Iraqi funds or funds of any bodies, companies or agents deriving from proceeds from the sale of Iraqi petroleum or petroleum products in the territory of Burkina Faso.

Annex

Letter dated 8 February 1993 from the Minister of Planning of Burkina Faso addressed to the Minister for Foreign Affairs of Burkina Faso

Pursuant to your letter of 1 December 1992 relating to the subject in question, I have the honour to inform you that no Iraqi funds exist in the territory of Burkina Faso.

(Signed) Roch Marc Christian KABORE

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25411
13 March 1993

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication which he has received from the Director-General of the International Atomic Energy Agency (IAEA).

Annex

Letter dated 10 March 1993 from the Director-General of the International Atomic Energy Agency addressed to the Secretary-General

Please find attached the report of the seventeenth IAEA Inspection in Iraq, under Security Council resolution 687 (1991). You may deem it appropriate to transmit the report to the members of the Security Council. I remain, of course, available with the Chief Inspector, Professor Maurizio Zifferero, for any consultations you or the Council may wish to have.

(Signed) Hans BLIX

REPORT ON THE SEVENTEENTH IAEA ON-SITE INSPECTION IN IRAQ
UNDER SECURITY COUNCIL RESOLUTION 687 (1991)

25 - 31 January 1993

INTRODUCTION

1. This report summarizes the results of the seventeenth inspection mission carried out in Iraq by the IAEA under United Nations Security Council resolution 687 (1991) with the assistance and co-operation of the Special Commission of the United Nations. The mission took place from 25 to 31 January 1993 and was headed by Professor Maurizio Zifferero of the IAEA as Chief Inspector. The team consisted of 8 inspectors (comprising 8 nationalities) and support staff.

2. The objectives of the mission were broadly:

- follow-up activities concerning the inventory of material, equipment and machine tools relevant to the revised Annex 3 of the plan for ongoing monitoring and verification of Iraq's compliance with paragraph 12 of part C of United Nations Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991) (the long term monitoring plan). A particularly important task assigned to the IAEA-17 team was a review of the inventory of machine tools under Agency seal at the Al Rabiya factory, following the 17 January cruise missile attack;

- follow-up activities on nuclear material stored in the IRT building (Tuwaitha) and in locations B and C including the verification of Agency seals. Inspections at the Al Jezira uranium waste pond and Tarmiya uranium solution tanks were also planned;

- carry out short notice inspections at selected sites for checking seals and verify the utilization of key machine tools;

- obtain the long promised update of Annex 3. This is one of the prerequisites for detailed planning of the long term monitoring; take up again the important outstanding issue of information on source and procurement of key material, centrifuge components and other United Nations Security Council resolution 687 related equipment.

3. A total of 10 facilities and sites were inspected. These are listed in Table 1.

4. No new sites were designated this time for inspection by the United Nations Special Commission (UNSCOM).

ACTIVITIES RELATED TO MATERIALS, EQUIPMENT AND MACHINE TOOLS

5. Ash Shakyli warehouse 13b - Information received from a Member State indicated the export to Iraq of two Arburg jet moulding machines supplied with application specific fixtures for the manufacture of the hysteresis stator block of gas centrifuge motors[1]. The IAEA inspection teams had repeatedly questioned Iraqi officials regarding the presence in Iraq of machines for the manufacture of centrifuge motors. The Iraqi authorities had consistently stated that attempts to acquire "potting" machines were made but were unsuccessful because of the embargo and that the only motor stator manufactured in Iraq had been made by casting the epoxy by hand. An Arburg machine was discovered in the Ash Shakyli warehouse in the course of the fifteenth IAEA inspection mission (November 1992). After extensive questioning by the IAEA-17 team, the Iraqi authorities acknowledged that this machine had been acquired for the manufacturing of centrifuge motor stators, but stood firm on their story that the stator had been "potted" by hand. They indicated that they had no knowledge of a second Arburg machine in Iraq. They further stated that the application specific fixture had been broken and lost. IAEA inspectors of the seventeenth team have recorded manufacturer and technical specifications of the Arburg jet moulding machine and have applied Agency seals. Iraqi authorities have been asked to make an investigation on the second missing machine. Information received by the Action Team subsequent to the conclusion of IAEA-17 indicates that the second Arburg machine may have been obtained by the Iraqi side for their missile programme. This is a follow-up item for IAEA-18.

---

[1]/ The completed stator block is then held in place in the bottom end flange by the addition of epoxy resin in a second operation ("potting").

Table 1

List of facilities and sites inspected during the seventeenth inspection mission

List of Sites - IAEA-17

1. Tuwaitha
2. Taji - Nassr State Establishment
3. Tarmiya
4. Al Jezira
5. Al Hatteen
6. Ash Shakyli
7. Al Rabiya (Al Nida)
8. Al Dijla (Al Zaura)
9. Location B
10. Location C

6. Procurement data from a Member State Government indicated 178 mixer-settler units (MSU) of various sizes, manufactured by Metallextraktion AB (MEAB), had been exported to Iraq. Batteries of mixer-settlers comprising several units per battery find extensive application in nuclear technology as solvent extraction contactors in uranium and plutonium recovery and purification. A full inventory of MSU's stored in the original shipping crates at Ash Shakyli was taken in the course of the fourteenth inspection mission in September 1992. This inventory of 70 units was again verified by the seventeenth inspection team and the request was reiterated with the Iraqi side to locate and present the remaining units.

7. The Iraqi side indicated that in conjunction with their effort to complete the Annex 3 declarations required under the Agency's long term monitoring plan, they searched for and found sheets of tantalum metal. The metal had been moved to Ash Shakyli Warehouse 13b where it was presented to the inspection team. The fifteen sheets of tantalum are of a size such that the material is a controllable item under Annex 3. Samples were taken for analysis.

8. The stock of master-slave manipulators which had been stored in a sealed condition at two locations in the Tuwaitha area were moved to Ash Shakyli 13b at the team's request. This is part of a more general effort to collect all reactor related components and spare parts at this location. All fifteen manipulators now at 13b are characterized and sealed.

9. Al Rabiya - The Al Rabiya mechanical workshop facility (a.k.a. Al Rabee and now called Al Nida) at Zaafaraniya, in the southern part of Baghdad was targeted and largely destroyed by a cruise missile attack on 17 January 1993. Prior to the Gulf War the Al Rabiya facility, together with the neighboring Al Dijla plant, were being developed to provide mechanical and electronics production support to the set of nuclear related activities organized under the code name Petrochemical 3 (PC-3). Documents removed from Iraq during the sixth IAEA inspection and statements made by the Iraqi authorities clearly implicate the Al Rabiya and the Al Dijla facilities in the manufacture of EMIS components. These documents also suggest that the Al Rabiya facility would have had a manufacturing role in the Iraqi gas diffusion uranium enrichment programme if this effort had evolved beyond the apparently unsuccessful diffusion barrier development work. The facility was not damaged during the Gulf

War. Following the war, according to Iraqi statements, the Al Rabiya plant was expanded with the addition of a number of technical buildings located immediately to the east (see Figure 1) and reorganized under the management of the Military Industry Commission (MIC) to support the reconstruction effort in Iraq.

10. Prior to the seventeenth mission, the Al Rabiya facility had been inspected three times by IAEA inspection teams (second, eleventh and fifteenth missions). Al Rabiya was judged to be a modern mechanical workshop facility with a good machine tool inventory and supporting capabilities in material preparation, chemical cleaning and quality control. There was no indication that the facility had been involved in PC-3 related activities after the Gulf War. During the fifteenth mission (November 1992) the Al Rabiya facility was visited as part of a more general effort to update the inventory of machine tools and other important equipment in the Iraqi State Establishments. At that time the Iraqi side was in the process of committing sizable resources to the further development of the site. Their explanation was that the Al Rabiya facility was an important part of the MIC plan for the reconstruction and industrialization of the country. The equipment inventory (primarily machine tools) had increased substantially since previous inspections: the number of workers had doubled and a new administration and planning building was under construction just to the west of building 24 (see Figure 1).

11. The visit to the Al Rabiya facility by the seventeenth IAEA inspection team was carried out on 27 January 1993, just ten days after the bombardment. The Director General of the facility met the team at the front gate and provided escort throughout the visit. The Iraqi side is cleaning up and rebuilding the site with determination to put it back in business within a few months. Thousands of people and hundreds of pieces of heavy equipment are committed on an around the clock basis. Large flood lights were in evidence throughout the facility. A large open field just to the west of the plant was rapidly being filled with rubble. The Iraqi side is literally removing rubble from one side of a building while they are re-building walls on the other side.

12. Six buildings were totally destroyed and another, building 24, was badly damaged. The destroyed buildings are indicated in Figure 1. With the exception of building 53, all buildings with a technical or production function were hit. Large buildings housing utilities, a raw materials store, the cafeteria and administrative offices were unscathed. None of the smaller support buildings were hit although most suffered some collateral damage. The Iraqi side spoke of several missiles that had gone

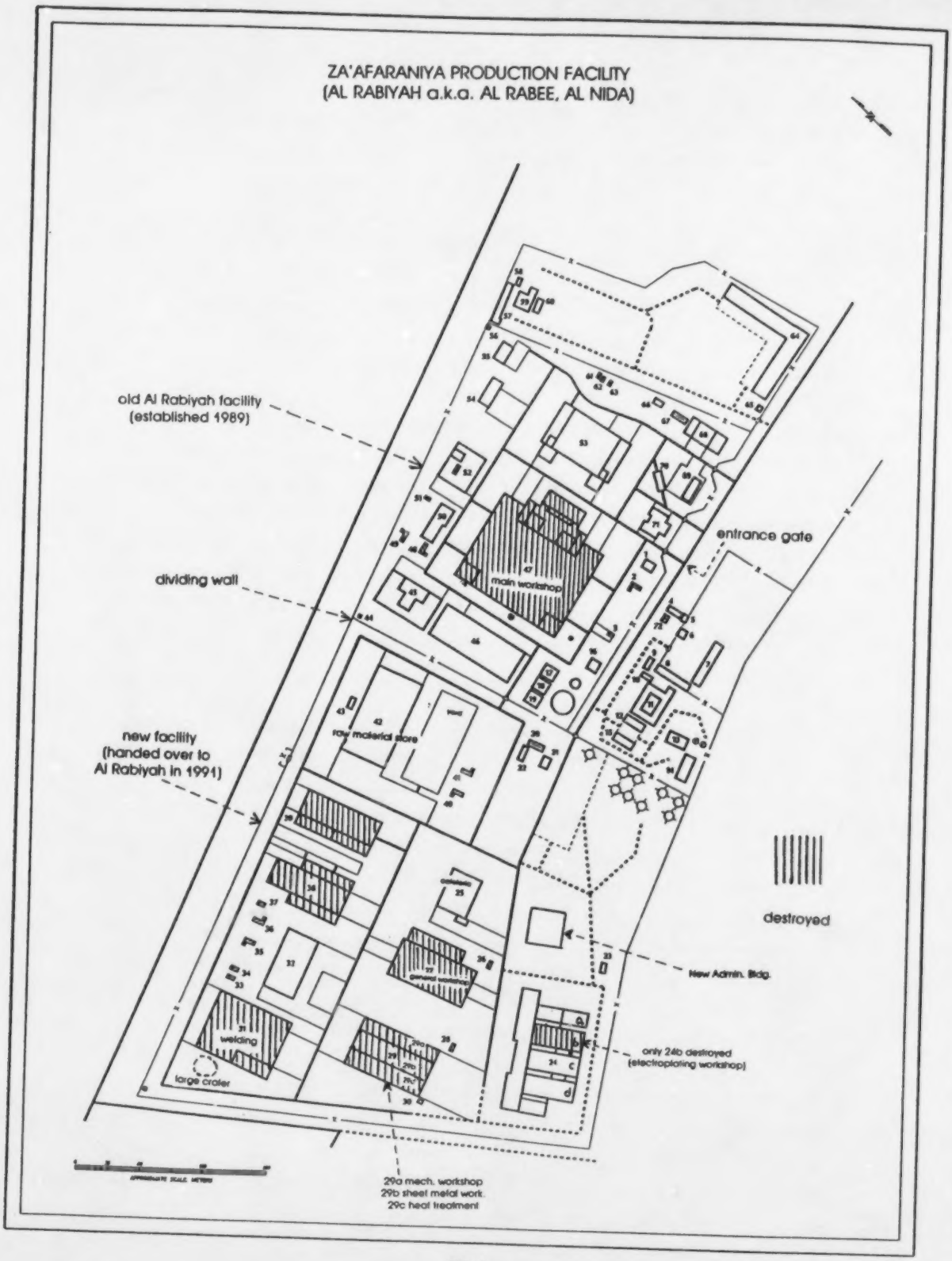
ZA'AFARANIYA PRODUCTION FACILITY
(AL RABIYAH a.k.a. AL RABEE, AL NIDA)
old Al Rabiyah facility
(established 1989)
dividing wall
new facility
(handed over to
Al Rabiyah in 1991)
entrance gate
main workshop
raw material store
destroyed
New Admin. Bldg.
only 24b destroyed
(electroplating workshop)
welding
large crater
29a mech. workshop
29b sheet metal work.
29c heat treatment

FIG. 1

astray and landed in residential areas but the 35 or so missiles (Iraqi estimate) that arrived at the Al Rabiya site appeared to hit their targets with nearly perfect precision. The only evidence on the site of a missile missing its target was a single large crater just to the east of building 31. The Iraqi side was vague regarding casualties at the site but apparently the number, if any, was low. There must have been a general evacuation of state establishments in anticipation of an attack.

13. The machine tools inventory at Al Rabiya, as updated in November 1992, contained 86 items. Eighty were judged to be general purpose and these included 63 milling machines, 7 coordinate measuring machines, 5 electric discharge machines, 3 jig bores, 1 jig grinder and 1 laser cutter. The remaining 6 machines - 3 Series-2 Matrix Churchill turning machines, 1 Series-3 Matrix Churchill turning machine, 1 Dörries turning machine (VTL with 2.5 meter table) and 1 Sciaky electron beam welder - were judged to be dual use and subject to control under Annex 3 of the long term monitoring plan. These items had been sealed. Most equipment was damaged or destroyed. A general updating of the equipment inventory was not possible and the inspection team concentrated on accounting for the dual use equipment. The Dörries and 2 Matrix Churchill (the Series-3 and 1 Series-2) turning machines were destroyed. The remaining 2 Series-2 Matrix Churchill turning machines were damaged but judged repairable and the seals were left in place. The Sciaky electron beam welder (located in building 53) was undamaged.

14. Throughout the inspection of the Al Rabiya facility, the very large work force went about their work. No show of hostility could be observed.

15. Al Dijjla - A brief inspection was carried out at the Al Dijjla plant (now called Al Zaura) which is located in the proximity of Al Rabiya. Many of the machine tools destroyed or damaged in the bombardment of Al Rabiya had been moved to the Al Dijjla site for repair work or salvage. Four general purpose machine tools declared by the Iraqi officials to have been used at Tuwaitha for manufacture of graphite components for EMIS separators were shown to the team. These machine are heavily damaged and unlikely to be brought back into working condition.

16. Taji - Nassr State Establishment (Fig. 2) - The intent of this visit was to conduct a short notice inspection of the current utilization of Taji machine tools/flow forming machines. The flow forming machines are located in building 159 and most of the more capable machine tools are in building 293. These buildings were the focus of the inspection.

As the team was proceeding toward Tarmiya, notification of the intent to inspect Taji was given about 10 minutes before passing by the facility. Once inside, the team split with one part proceeding to building 159 and the other to building 293. From the time of notification it was 30 - 35 minutes before the designated buildings were entered by the team. The earlier than necessary notification, a delay in gaining access at the front gate and the walk from the bus to the buildings all cost time. A time interval from notification to the beginning of the inspection of 15 minutes is easily achievable.

Most machines had been removed from the buildings prior to the recent hostilities and were being returned at the time of the inspection. Four of the flow forming machines were being re-assembled and the Agency seals were still in place. The three remaining machines had not been returned from the location where they had been taken for safe keeping during the hostilities. The side of the hall opposite the machines was stacked with crates containing flow forming pre-forms (~ 28 cm in diameter). The Iraqi side indicated that the pre-forms (declared to be 25% chromium, 4% moly steel) were for the manufacture of rocket casings (ABABIL 100s with a range up to 50 km). The ballistics team has examined them in detail.

A similar situation was encountered in building 293, but the process of returning the machines was further along. Only two machines - one dual use and one general purpose - had yet to be returned. Two seals had been broken during the removal and they were replaced. All others, with the exception of the single dual use machine yet to be returned, were accounted for. The few machines that were operating were producing pieces of artillery shells.

The Iraqi side was very secretive about the circumstances of removal or where they had been taken. After prolonged discussion with the team and consultation amongst themselves, the Iraqi side finally agreed to take two members of the team (the Chief Inspector and the team expert on machine tools) to the location where the four missing dual use machines were being stored. The planned inspection activities for the day continued and early the next day the two inspectors were taken to see the four missing machines. Overnight two of the machines had been returned to Taji (one flow forming and one machine tool). The other two (two flow forming machines) were still at the location where they had been taken during the hostilities. All machines and seals were accounted for.

Taji
Steel Fabrication Plant Nassr

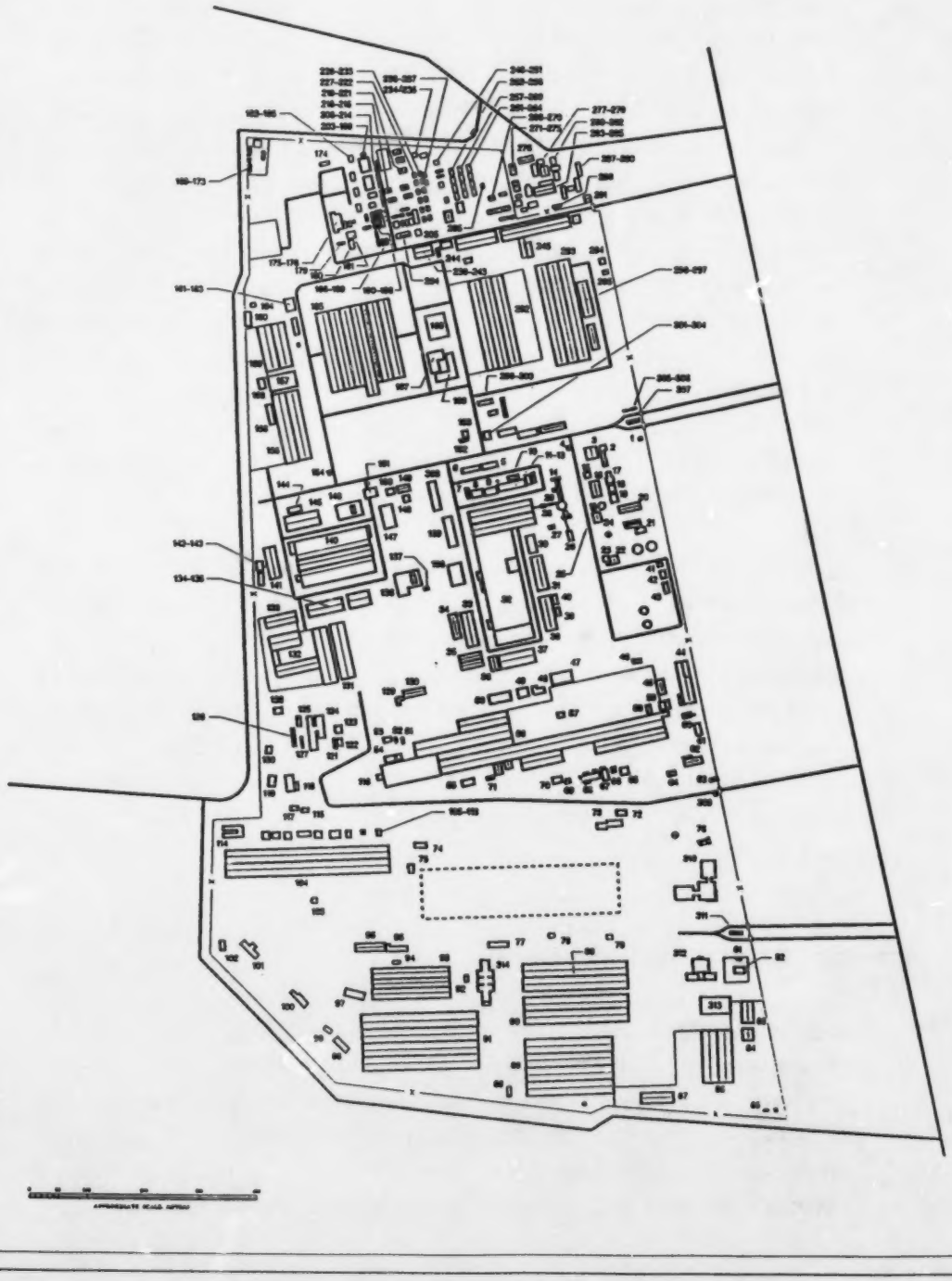

Fig. 2

/...

17. Tarmiya (Fig. 3) - The inspection at Tarmiya began, as usual, with a meeting with the Director General. He indicated that they had been requested by the Military Industrial Commission (MIC) to establish an industrial chemistry centre at Tarmiya. The mandate of the group is to provide consultations, chemical analysis, R&D and process development, possibly up to the pilot plant level of operation. It was further indicated that they were preparing a detailed proposal that will be ready by the time of the next inspection. The Iraqi side requested the release of some pieces of equipment from the general utilities building (building 38). Specifically they requested the release of 6 water recirculating pump and 3 cooling tower units. They indicated that the equipment was to be utilized at a steel rolling mill at Taji. A decision regarding the release of this equipment will be taken in consultation with the Special Commission. There have been a few changes at Tarmiya since the last inspection. Most equipment located in buildings 225, 47 and 57 have been moved to two more secure storage areas - the receiving area in front of building 57 and a warehouse located between buildings 38 and 277. They plan to begin preparing building 47 to support some of the industrial chemistry work described above.

18. Al Hatteen - During the course of IAEA-15, a sample of aluminum from a store at Al Hatteen was given to the Inspection team. Analysis of the sample indicated that, depending upon the configuration, the material may be controllable under Annex 3 of the long term monitoring plan. The purpose of the visit was to assess the materials configuration, the size of the inventory and to take additional samples. The Iraqi side declared 500 tonnes of rods (120 mm x 3 m) and 2800 rods (150 mm x 3 m). They further declared that the rods would be used to manufacture the lower part of 156 mm artillery shells. The inventory was verified and samples from each diameter rod were taken.

ACTIVITIES RELATED TO NUCLEAR MATERIALS

19. Tuwaitha, Location B, Location C - The irradiated fuel assemblies stored in the IRT-5000 reactor pool and adjacent storage pond at Tuwaitha has been verified by item counting. Seals were checked in Location B where additional irradiated fuel assemblies are stored. Winter rains have converted Location B into a quagmire preventing the access of lifting equipment and tank trucks needed to adjust, if necessary, the water level inside the sealed containers. External radiation

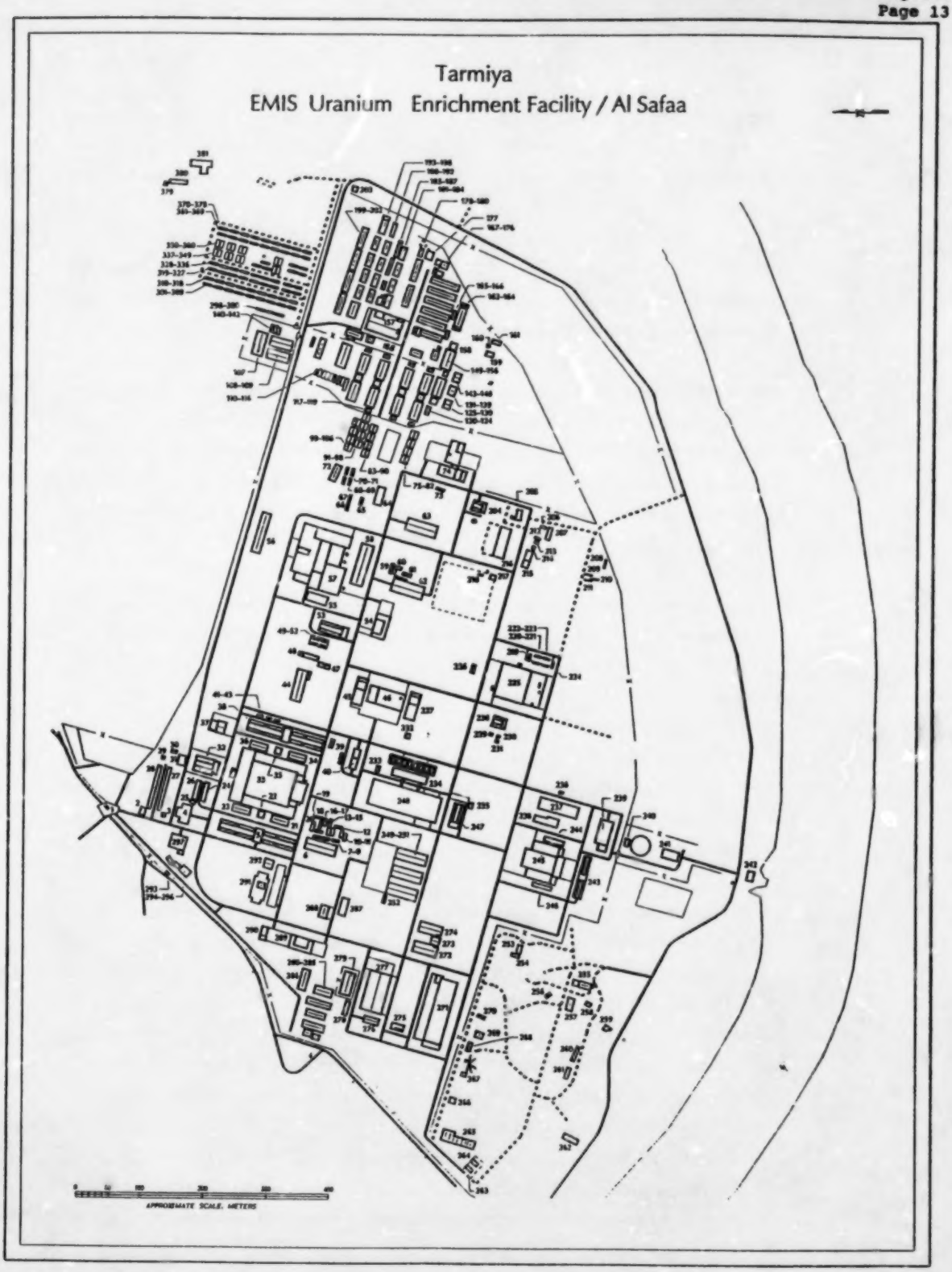
Tarmiya
EMIS Uranium Enrichment Facility / Al Safaa
APPROXIMATE SCALE, METERS

Fig. 3

/...

measurements indicated that there is no immediate problem. Seals were also checked at Location C where the bulk of Iraqi natural uranium stock is stored and in several Tuwaitha buildings where hot cells are located. All seals were found undisturbed.

20. Al Jezira - In the course of the fifteenth IAEA inspection the Iraqi authorities had agreed to take a series of action at the Al Jezira plant site. The seventeenth IAEA inspection was to follow-up on the requested actions.

There have been a few changes at the site. The new administration building (the building was in an early stage of construction at the time of IAEA-15) has been completed and is now occupied. It is immediately on the up-hill side of the old building. Construction of the small office building adjacent to the quality control laboratory has not advanced much. The level of activity in the small quality control laboratory is negligible.

There has been little progress made in completing the agreed upon actions. The Iraqi side indicated that poor weather conditions has slowed things down. A summary follows:

- The evaporation of the low concentration uranium waste in two of the large settling tanks has been slowed by a layer of kerosene that effectively seals the surface. In the second tank which still contains some slurry, the Iraqi side has pumped the lighter material on the surface in the first tank in an attempt to speed the process. Any recovery must still wait for warmer, dryer weather;

- Uranium bearing organic solutions and filters could not be removed as requested from Location 6 because this location is not accessible to trucks because of wet conditions. The removal will take place when things dry out;

- The drums containing solid waste stored in the garage adjacent to the settling tanks have been moved, in mass, to the bottom of the near end of the third tank. The whole mess will be entombed in concrete with improving weather;

- Little has been done with respect to the actions involving the UCl_4 and UO_2 building sites. The Iraqi side are busy scavenging large quantities of buried electrical cable. They reiterated the agreement to collapse the still standing

portions of buildings at the UO_2 site, fence off both areas and simply abandon them.

The Iraqi authorities again stated their intention of turning this site into a centre for the development of processes for the recovery of minerals from indigenous ores. A detailed formal proposal will be made available by the time of the next inspection.

OTHER ACTIVITIES

21. The IAEA has been pressing the issue of procurement-related information since the beginning of inspection activities under resolution 687 with little success. On 7 December 1992 at a meeting with Dr. Human Abdel Khaliq Ghaffour, Minister of Higher Education and Scientific Research and Chairman of the Iraqi Atomic Energy Commission (IAEC), assurance was given in writing to the Chief Inspector of IAEA-16 that procurement-related questions would have been "dealt with positively". The statement of Dr. Ghaffour had led the Agency to follow-up with a letter requesting specific information regarding the sources of maraging steel. The reply to this letter failed to provide the requested information. Details of this meeting and a copy of the exchange of correspondence were included in the sixteenth inspection report[2].

This issue was taken up again in meetings held with the counterpart during the seventeenth inspection. The Iraqi side explained that it was their intention to close once and for all the chapter of procurement and to provide the information that is still missing, but they wanted a consolidated list of still outstanding questions on procurement by IAEA and UNSCOM and this list, as complete as possible, should only refer to resolution 687 related items. Answers would have been provided in writing and the matter would be settled. This procedure was objected to by the Chief Inspector as experience has shown that answers provided by the Iraqi team normally generate further questions. The whole issue of procurement-related information will be taken up again in the next inspection.

22. The Iraqi side agreed to the IAEA-17 team request to begin consolidating the storage of reactor components and spare parts (electronics, heat exchangers, pumps). It was agreed to utilize the Ash Shakyli warehouse 13b for this purpose.

---

[2]/ GOV/INF 678 or S/25013

23. On the last inspection day the Iraqi side handed to the team the list of items of the revised Annex 3 of the long term monitoring plan. The Iraqi counterpart stated that this list now covers, as requested, the period from first of January 1989 and included all Annex 3 items which exist or existed in IAEC facilities, universities and State Establishments which supported the IAEC programme. The Iraqi counterpart indicated that the list covered their current knowledges regarding the existence of controllable items in the whole of Iraq. However, they reserved the right to include items which might have escaped the census or had not been identified as belonging to the Annex 3 in the next update to the list which falls due on July 1993.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25412
13 March 1993

ORIGINAL: ENGLISH

LETTER DATED 11 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Croatian Government welcomes the Report of a Preliminary Site Exploration of a Mass Grave Near Vukovar, Former Yugoslavia by Physicians for Human Rights, dated 19 January 1993, and enclosed as annex II to your letter to the President of the Security Council dated 9 February 1993 (S/25274) - with reservation already expressed in my letter of 16 February 1993 (S/25301).

In reference to chapter V of the report (pp. 34, 35 and 36), I wish to emphasize that the Republic of Croatia fully endorses Security Council resolution 808 (1993) and the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. At the same time, my Government will strongly welcome immediate international action under the auspices of the Commission of Experts or any other body designated by the Security Council or the Secretary-General in accordance with Security Council resolutions 771 (1992) and 780 (1992). The Republic of Croatia is ready to join in the efforts of the Commission of Experts or another designated body in order to reveal the real and indisputable truth of the circumstances in which the people buried in the mass graves in the location "Ovcara" have lost their lives.

We accept the proposal set forth in the report that - after the on-site excavation and the transportation of the bodies to a secure place has occurred - the medico-legal examination be undertaken in the 212 US Mash Unit at Zagreb Airport. The University of Zagreb School of Medicine will provide all the necessary assistance for these efforts, but is unable to assure the appropriate location and does not have adequate means at its disposal to handle the probable number of victims. Some additional medical equipment would have to be acquired to facilitate the examinations.

Since possible future criminal action against the perpetrators can be foreseen, all the examinations undertaken by the Commission of Experts or another designated body would have to be done according to the provisions set forth in the Criminal Procedure Act and other relevant laws and regulations of the Republic of Croatia, and in the presence of the relevant Croatian authorities.

Due to the reverence for the innocent victims and the highly sensitive public opinion in Croatia, my Government would not be able to consent at this time to transporting the remains for examination outside the borders of the Republic of Croatia.

At the same time, I would like to reiterate the previously expressed concerns of my Government for the inadequate attention given to other mass grave locations in Croatia, since an official investigation has been instigated only for the location at "Ovcara". The full protection of the sites has been requested for the locations in the surroundings of Vukovar, Lovas, Tovarnik, Jakobovac, Petrovci, Ernestinovo, Tordinci, Dalj, Berak and Bogdanovci; immediate on-site investigation has been requested for the locations in Saborsko (United Nations protected area (UNPA) South), Banija (UNPA North); consideration of the documentation has been requested in connection with massacres in Nadin and Skabrnja (UNPA South). Little or nothing has been done so far, and we would like to see the necessary steps taken in order to provide for the protection of the sites and the beginning of the investigatory process.

I would ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Ambassador Dr. Mario NOBILO
Permanent Representative

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25413
15 March 1993

ORIGINAL: ENGLISH

LETTER DATED 11 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF THE SLOVAK REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter of 29 January 1993 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/25195).

In the annex to this letter, which is entitled "Movement of vessels with petroleum products through Ukrainian waters in the Danube (30 November 1992-23 January 1993)" mention is made of Slovak companies allegedly being the receivers of some of the gasoline or diesel shipments indicated.

I have the honour to inform you that the competent Slovak authorities have undertaken an investigation and have found that none of the vessels and barges mentioned in document S/25195 entered the port of Bratislava in the period between 11 November 1992 and 2 March 1993 with the exception of a Romanian vessel carrying 3,107,390 kilograms of cargo for Slovnaft Bratislava organized by the Austrian Avanti AG Wien shipping company. The Slovak firm Goldstar mentioned in document S/25195 is unknown in Slovakia and is not on the list of contractors to the Slovak Danube Shipping Company.

I would be grateful if you could have this letter issued as a document of the Security Council.

(Signed) Eduard KUKAN
Ambassador
Permanent Representative
of the Slovak Republic
to the United Nations

93-14899 (E) 150393 150393

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25414
15 March 1993

ORIGINAL: ENGLISH

LETTER DATED 12 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Today, the Mission of the Republic of Bosnia and Herzegovina was informed by our Government that Serbian and Montenegrin extremist forces have amassed troops at four points around Srebrenica. Many of these new troops arrived directly from Serbia and Montenegro. These besieging forces have been supplemented by heavy artillery and approximately fifty tanks.

The intensification of the siege of Srebrenica has aggravated the already desperate humanitarian situation in the region. If the aggressor forces are not compelled to desist or retract from these hostile acts, it is feared that Srebrenica and its civilian population, now swelled by refugees to 70,000, will suffer the same humanitarian catastrophe that befell Cerska. In addition, these hostile acts will further worsen the dramatic circumstances of the refugees around Cerska and Konjevic Polje.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

93-14944 (E) 150393 150393

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25415
15 March 1993

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am disturbed to report that the siege of the town of Srebrenica is now well into its fourth day and has intensified, putting the town's civilian population of 70,000 ever closer to catastrophe.

Sarajevo came under heavy shelling from aggressor forces, which resulted in numerous deaths and many more injuries. Furthermore, Serbian and Montenegrin forces shelled Butmir Airport and blocked an UNPROFOR controlled road, which is used for transport to and from the airport. These attacks and the blockade of the airport road were carried out deliberately to hamper and prevent members of the Parliament of the Republic of Bosnia and Herzegovina from convening to consider developments at the International Conference on the Former Yugoslavia (ICFY).

We reiterate that these actions severely frustrate the efforts of those pursuing peace at the ICFY. Further addressing these concerns, I have the honour to present an attached letter from our delegation to Your Excellency.

May I ask your kind assistance in circulating this letter and its attachment as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

Annex

Republic of Bosnia and Herzegovina delegation

New York

13 March 1993

For the fourth day in a row, Serbian and Montenegrin forces have surrounded the town of Srebrenica, employing heavy artillery and 50 tanks from the Republic of Serbia. These besieging forces are endangering the lives of the 70,000 residents and refugees in the area. The aggressor forces are determined to take Srebrenica and overrun the civilian population.

Since this morning, Serbian and Montenegrin forces have shelled Sarajevo from all sides. Scores have been killed and injured, particularly in the Stari Grad ("Old Town") section of the city.

This morning, 13 March 1993, the aggressor forces launched rocket and grenade attacks against Butmir Airport. These attacks are a concerted effort to prevent representatives of the Parliament of the Republic of Bosnia and Herzegovina from arriving to the airport and holding a session, scheduled for tomorrow, 14 March 1993, that was to consider action with regards to the International Conference on the Former Yugoslavia. The aggressor forces used infantry, two armoured personnel carriers, and two tanks to make passage impossible of a road, under UNPROFOR jurisdiction, used for transport to and from Butmir Airport. This new blockade is at the same point on the same road where Deputy Prime Minister Hakija Turajlic was murdered.

The delegation too reminds the international community that previous negotiations in Lisbon, London and Geneva were all carried out under continuing Serbian and Montenegrin genocide against our Republic's population. Regrettably, it is evident that Serbian and Montenegrin forces have carried these precedents over to the talks here at the United Nations in New York. These most recent acts of hostility are another obvious attempt to prevent the continuation of the peace talks. We therefore ask that the international community take urgent action and the necessary measures to reverse these most recent acts of aggression with the intention of establishing an environment of integrity for the current round of peace talks.

(Signed) Haris SILAJDIC
Head of Delegation

(Signed) Miro LAZOVIC
Member of Delegation

(Signed) Muhamed FILOPOVIC
Member of Delegation

(Signed) Colonel Stjepan SIBER
Member of Delegation

(Signed) Kasim TRNKA
Member of Delegation

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25416
15 March 1993
ENGLISH
ORIGINAL: FRENCH

NOTE VERBALE DATED 10 MARCH 1993 FROM THE PERMANENT MISSION OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Chad to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note verbale No. SCP/1/92(12) of 26 October 1992 and pursuant to resolution 778 (1992), has the honour to inform him of the following:

The Government of Chad, considering that there are neither Iraqi petroleum or petroleum products in its territory nor any funds of the Government of Iraq, or of bodies or corporations representing the interests of that country, that represent the proceeds of sale of Iraqi petroleum or petroleum products, does not consider itself concerned by the application of the provisions of Security Council resolution 778 (1992).

Nevertheless, as a Member of the United Nations which respects the Charter and its own international commitments, the Republic of Chad stands ready to make its contribution to international peace and security.

93-14956 (E) 160393 160393 160393

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25417
16 March 1993
ENGLISH
ORIGINAL: SPANISH

NOTE VERBALE DATED 12 MARCH 1993 FROM THE PERMANENT MISSION OF MEXICO TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Mexico to the United Nations presents its compliments to the Secretary-General and has the honour to transmit to him herewith the text of the views of the Government of Mexico, supplied pursuant to paragraph 2 of Security Council resolution 808 (1993) on the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

The Permanent Mission of Mexico to the United Nations would be grateful if the Secretary-General would have this letter and its annex distributed as a document of the Security Council.

Annex

Views of the Government of Mexico supplied pursuant to paragraph 2 of Security Council resolution 808 (1993)

Introduction

1. The Government of Mexico wishes to place on record its satisfaction at the determination shown by the Security Council to promote respect for international humanitarian law in the States of the former Socialist Federal Republic of Yugoslavia. Accordingly, Mexico reaffirms its support for Security Council resolutions, including resolution 808 (1993), demanding an immediate end to all violations of international humanitarian law, particularly those occurring in the territory of Bosnia and Herzegovina.

2. However, Mexico wishes to express its concern at some aspects of the procedure that was followed in deciding to establish an international tribunal to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Mexican Government also wishes to give its views on the jurisdiction and rules of procedure of the tribunal that is ultimately established.

Establishment of an international criminal court

3. It is clear that Security Council resolution 808 (1993) raises issues on which there is as yet no widely-shared opinion within the international community. First of all, the establishment of an international criminal court is closely linked to the exercise of State sovereignty, both from the standpoint of territorial jurisdiction and from that of personal jurisdiction. This explains why the General Assembly, acting through the International Law Commission, has yet to complete the mandate entrusted to it with regard to the draft Code of Crimes against the Peace and Security of Mankind, to which the question of the establishment of an international criminal court is related. This delay can be attributed to lack of political will on the part of Member States. However, it cannot be denied that lacunae in the progressive development of international law, such as the absence of a definition of aggression for almost two decades, prevented progress from being made in the consideration of this topic.

4. The decision taken by the Security Council has no precedent in the annals of the United Nations. Although we have the historic precedent of the 1945 London Agreement establishing the Nürnberg Tribunal and the subsequent formulation of the principles contained in General Assembly resolution 95 (I) which establish individual responsibility for violations of humanitarian law, this is the first time that the establishment of an international criminal court has not been brought about by the action of a group of victorious Powers. There is no express provision in the Charter of the United Nations which can be invoked as giving the Security Council or the General Assembly the power to establish a special criminal court with binding jurisdiction.

5. Now, in the present case, it must be recognized that the situation in the former Yugoslavia is a threat to the maintenance of international peace and

security, so that intervention by the Security Council under Chapter VII of the Charter is fully justified. Accordingly, the establishment of an international criminal court such as that referred to in resolution 808 (1993) must be understood as a measure designed to put an end to the conflict taking place in the former Yugoslavia.

6. Given the extraordinary circumstances which prompted the decision to establish the tribunal, this tribunal is special and does not therefore create any precedent for the future establishment of a universal, permanent international criminal court with binding jurisdiction. Any such future tribunal will have to have optional jurisdiction and will have to be established as a result of a convention or international treaty freely signed by States, on the basis of the corresponding recommendations made by the International Law Commission to the General Assembly.

7. In this context, it is extremely important to emphasize that the General Assembly is, by virtue of Articles 10, 11, 13, 14, 34 and 35 of the Charter of the United Nations, vested with responsibilities in the maintenance of international peace and security. By virtue of those Articles, and notwithstanding the provisions of Article 12 of the Charter, the General Assembly has the power to make recommendations for the maintenance of international peace and security and, in the absence of action by the Council, could even take whatever measures it deems appropriate.

8. In this particular case, the General Assembly could have played an important and valuable role in supporting and advising the Security Council, especially since this is a matter related to the issue of the establishment of a universal international criminal court, an issue on which significant progress has been made in the International Law Commission since 1990.

9. The Government of Mexico has always believed it vitally important to ensure a proper balance between the principal organs of the United Nations. To this end, Mexico has advocated the need to adapt the Organization's working methods and, in particular, to strengthen the role of the General Assembly.

10. At the same time, the Government of Mexico believes it is essential, in order to guarantee that Member States adhere fully to the decisions of the Security Council, that the Council's actions should at all times respect the sovereign rights of States and that its decisions should be taken in a context of transparency which reflects the interests and aspirations of all States Members of the United Nations.

11. Mexico reiterates that the dialogue between the Security Council and the General Assembly must be reinforced, so that the Assembly can make full use of its powers and can take a position on situations which could threaten international peace and security, without prejudice to the primary responsibility vested in the Security Council.

12. With this idea in mind, the Government of Mexico believes that the basis for the Security Council's decision could be found, as was done in the report of the committee of jurists submitted by France (S/25266), in the powers conferred on it by Article 41 of the Charter, since the list of measures in that Article is not exhaustive. However, it must be made clear that as early

as the San Francisco Conference, Mexico and other countries proposed that decisions taken by the Council under Article 41 should have the prior approval of the General Assembly (see UNCIO, IV, p. 223). This shows that Mexico has always been concerned to secure the establishment of a system of collective security which takes the rights and legitimate aspirations of the entire international community into account.

Principles governing the functioning of the international tribunal

13. The Government of Mexico believes that, in order for the tribunal established by resolution 808 (1993) to have the necessary legitimacy, its main attribute must be its total independence from any State or international, governmental or non-governmental political organ, and the impartiality of its proceedings and members.

14. In this connection, Mexico believes that neither the Security Council nor any other organ should interfere in the performance of the functions entrusted to the tribunal once the tribunal has been established and has been provided with a statute.

15. The judicial proceedings carried out by the tribunal will have to adhere strictly to the general principles of law, such as the need to guarantee the right of due process and the protection of the individual rights of the accused.

16. Furthermore, the members of the tribunal will have to be individuals of recognized legal competence, impartiality and integrity, in order to guarantee the objectivity of trials. Judges will have to be unremovable to safeguard their independence.

17. Mexico believes that the tribunal, like any other court, should decide for itself whether it is competent to hear a given case that is submitted to it. However, its statute will have to delimit very clearly and precisely its material sphere of competence, which will have to be restricted to crimes typified by international law, and its territorial sphere, which will have to be limited to the territory of the former Yugoslavia.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25418
16 March 1993
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

LETTER DATED 15 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of a statement issued by the Ministry of Foreign Affairs of the Azerbaijani Republic on 11 March 1993 concerning the ongoing situation in the conflict between Armenia and Azerbaijan and the involvement of CSCE in resolving this conflict.

I should be grateful if you could have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

Annex

[Original: Russian]

STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF THE AZERBAIJANI REPUBLIC

The Armenian-Azerbaijani conflict, which has been raging for more than five years now, is doing irreparable damage to both States. Azerbaijan continues to place particular hopes of ending the senseless bloodshed on the peacemaking efforts of the Conference on Security and Cooperation in Europe (CSCE). Throughout this process, the Azerbaijani Republic has demonstrated an open position and a readiness for sensible compromises.

In this connection, the Ministry of Foreign Affairs of the Azerbaijani Republic considers it necessary to draw attention once again to the fact that on the eve of and during the peace talks the Republic of Armenia staged repeated offensive actions, seizing further Azerbaijani territory. On the eve of the extraordinary preliminary meeting of the Minsk Group, an Armenian expeditionary force seized some 20 villages in the territory of the Azerbaijani Republic.

The aggressive actions of the Republic of Armenia are incompatible with the norms of international law and with the principles of the United Nations and CSCE and cast doubts yet again on the sincerity of the Armenian Republic, which has stated officially that it is committed to a peaceful settlement of the Armenian-Azerbaijani conflict.

Despite the tremendous obstacles to the continuation and development of the peace talks, CSCE has shown persistence in undertaking peace initiatives. One practical result of this is the agreement reached at Rome, at the above-mentioned extraordinary preparatory meeting of the Minsk Group, on a draft mandate for the group of CSCE observers.

In the course of the Rome meeting, the Russian-United States and French-Russian statements on Nagorny Karabakh were distributed. Both statements affirm the determination and readiness of the United States, Russia and France to continue their efforts, within the framework of the CSCE Minsk Group, to secure a political compromise and a peaceful settlement of the conflict.

The Ministry of Foreign Affairs of the Azerbaijani Republic values the position of those States highly and has faith in the prospect of peaceful efforts by CSCE.

As before, the Azerbaijani Republic advocates a peaceful settlement of the Armenian-Azerbaijani conflict and calls on the Republic of Armenia to demonstrate, by its actions, its adherence to the principles of the United Nations and CSCE and its aspiration to put into effect the agreements reached within the framework of CSCE.

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/48/115
S/25419
17 March 1993
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-eighth session
Item 71 of the preliminary list*
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-eighth year

Letter dated 16 March 1993 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the statement issued today by the Government of Mexico concerning the decision by the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the statement distributed as an official document of the General Assembly, under item 71 of the preliminary list, and of the Security Council.

(Signed) Manuel TELLO
Permanent Representative of Mexico
to the United Nations

* A/48/50.

ANNEX

Statement by the Government of Mexico concerning the denunciation by the Democratic People's Republic of Korea of the Treaty on the Non-Proliferation of Nuclear Weapons

The Government of Mexico regrets the statement by the Government of the Democratic People's Republic of Korea announcing its decision to denounce the Treaty on the Non-Proliferation of Nuclear Weapons and expresses its concern at the effects which the withdrawal of that country may have on the credibility of the system of non-proliferation of nuclear weapons.

Mexico has always worked for disarmament, non-proliferation and the complete elimination of weapons of mass destruction. The denunciation of the Non-Proliferation Treaty by a State party is a setback, given the great progress made in this sphere.

The step taken by the Democratic People's Republic of Korea is also cause for concern because it comes at a time when there are serious doubts within the International Atomic Energy Agency as to that country's compliance with its obligations under the Non-Proliferation Treaty.

The Government of Mexico expresses its hope that the Government of the Democratic People's Republic of Korea will reconsider its decision, thereby demonstrating its good faith with regard to the purposes and principles which prompted the international community to put the nuclear non-proliferation regime into effect in 1968.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25420
17 March 1993
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 10 MARCH 1993 FROM THE PERMANENT MISSION OF BELARUS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Belarus presents its compliments to the Secretary-General and has the honour to inform him that, in accordance with Security Council resolution 778 (1992), great efforts have been made in Belarus to ascertain whether there are any petroleum or petroleum products owned by Iraq or its State bodies, corporations or agencies, or any funds derived from the sale of Iraqi petroleum.

According to information received from the Ministry of Foreign Affairs of the Republic of Belarus, there are no petroleum or petroleum products owned by Iraq or its State bodies, corporations or agencies, and no funds derived from the sale of Iraqi petroleum in the territory of the Republic of Belarus.

93-15267 3867h (E) 170393 170393

170393